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Attorneys for Defendant  
GATEWAY TITLE COMPANY

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AUDREY MCNAMARA NEVIS,

Plaintiff,

v.

WELLS FARGO BANK, a California  
corporation, EXECUTIVE FINANCIAL  
LENDING, JOHN B. SPEAR, an individual,  
SHAI MOSHE, an individual, GATEWAY  
TITLE COMPANY, QUALITY LOAN  
SERVICES, Trustee and DOES 1-100, inclusive,

Defendants.

Case No. C 07 2568

**NOTICE OF MOTION AND MOTION  
BY DEFENDANT GATEWAY TITLE  
COMPANY TO DISMISS FOR  
FAILURE TO STATE A CLAIM  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE, RULE 12(b)(6)**

Date: September 10, 2007  
Time: 2:00 p.m.  
Room: 15  
Judge: Hon. Marilyn H. Patel

TO PLAINTIFF AUDREY MCNAMARA NEVIS AND HER ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that Defendant Gateway Title Company ("Gateway") shall move the Court to dismiss Plaintiff's Verified Complaint and each cause of action therein pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), for failure to state a claim against Gateway.

NOTICE IS FURTHER GIVEN that a hearing on the motion will be held on September 10, 2007 at 2:00 p.m., or as soon thereafter as the matter may be heard in Courtroom 15, 450 Golden Gate Avenue, San Francisco, California, before the Honorable Marilyn H. Patel.

This motion will be based on this notice, the memorandum of points and authorities and declaration of Helen V. Powers in support of the motion, and all papers and filed matters contained

1 within the Court file. The basis of the motion is that Plaintiff has failed to state a claim upon which  
2 relief can be granted against Defendant Gateway as to all nine causes of action in Plaintiff's Verified  
3 Complaint.

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5 Dated: July 16, 2007

BARDELLINI, STRAW, CAVIN & BUPP, LLP

6  
7 By: /s/ Helen V. Powers  
8 John F. Cavin  
9 Helen V. Powers  
Attorneys for Defendant  
GATEWAY TITLE COMPANY